

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	:	
	:	MDL No. 1871
	:	07-md-01871-CMR
	:	HON. CYNTHIA M. Rufe
THIS DOCUMENT RELATES TO ALL ACTIONS	:	
	:	
	:	

**TENTH REPORT AND RECOMMENDATION OF
THE SPECIAL MASTER AS TO SCHEDULING ORDER FOR
INITIAL TRIAL POOL CASES**

In recognition that discovery and trial issues are most efficiently handled by the entry of pretrial orders, as stated in Pretrial Order No. 8, and in consideration of the interests in full discovery as well as expediency, the Special Discovery Master recommends to the Court that the case-specific discovery relating to the individual claims of plaintiffs in the six cases selected by the parties for the Initial Trial Pool be conducted as follows, subject to entry of subsequent Orders modifying or supplementing the Pretrial Order recommended here. The parties acknowledge and agree that the discovery deadlines set forth below may be modified by agreement of the parties and approval of the Court. With such understanding regarding modifications, the deadlines for the cases selected for the Initial Trial Pool by the parties are as follows:

SCHEDULING DEADLINES FOR INITIAL TRIAL POOL CASES

The deadlines proposed by the parties in their Joint Report No. 7 (Doc. No. 520), and set forth below, shall apply to the following two cases selected for trial by the parties: Burford v.

SmithKline Beecham Corporation, d/b/a GlaxoSmithKline (“GSK”), 2:07-CV-05360-CMR, and Arroyo v. GSK, 2:08-CV-00905-CMR.

Case-Specific Discovery Completed: December 23, 2009

Plaintiffs’ Expert Reports Due: January 8, 2010

Defendant’s Expert Reports Due: March 2, 2010

Expert Depositions Completed: April 15, 2010

Daubert Motions Due: April 15, 2010

Summary Judgment Motions Due: April 15, 2010

The deadlines for the remaining cases in the Initial Trial Pool will be as follows:

A. Miller v. GSK, 2:08-CV-00912-CMR, and Arezzi v. GSK, 2:08-CV-00893-CMR.

1. Case-Specific Discovery: All case-specific discovery relating to the individual claims of the above-named plaintiffs shall be completed on or before January 25, 2010.

2. Expert Reports and Discovery:

a. Plaintiffs’ expert reports will be due no later than February 25, 2010.

b. Defendant’s expert reports will be due no later than April 16, 2010.

c. All expert depositions shall be completed no later than June 16, 2010.

d. It is further anticipated that *Daubert* motions shall be due no later than June 16, 2010.

3. Summary Judgment Motions: It is anticipated that summary judgment motions will be due no later than June 30, 2010.

B. Maneri v. GSK, 2:08-CV-00919-CMR, and Gillespie v. GSK, 2:08-CV-00891-CMR.

1. Case-Specific Discovery: All case-specific discovery relating to the individual claims of the above-named plaintiffs shall be completed on or before March 25, 2010.

2. Expert Reports and Discovery:

- a. Plaintiffs' expert reports will be due no later than April 26, 2010.
- b. Defendant's expert reports will be due no later than June 15, 2010.
- c. All expert depositions shall be completed no later than August 16, 2010.
- d. It is further anticipated that *Daubert* motions shall be due no later than

August 16, 2010.

3. Summary Judgment Motions: It is anticipated that summary judgment motions will be due no later than August 30, 2010.

For those cases not discussed herein, the parties are relieved from the deadlines set forth in Pretrial Order No. 23. A further Order will follow when appropriate to set applicable deadlines.

* * * *

Pursuant to Pretrial Order Nos. 8 and 28, any party seeking to prevent this Report and Recommendation from taking effect must file with the Court an appeal in the form of a motion with the Court within ten (10) calendar days from the date this Report and Recommendation is filed with the Court, setting forth the relief requested. If no appeal is filed with the Court within the ten (10) day period, this Report and Recommendation will be deemed to be accepted by all parties and the Court will enter an Order accordingly.

Dated: November 19, 2009

/s/ Jerome J. Shestack

Jerome J. Shestack, Special Master

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CERTIFICATE OF SERVICE

I, Bruce P. Merenstein, hereby certify that on November 19, 2009, I caused to be electronically filed the foregoing **Tenth Report and Recommendation of the Special Master as to Scheduling Order for Initial Trial Pool Cases**. Through the Court's ECF system, this document is available for viewing and downloading.

/s/ Bruce P. Merenstein
Bruce P. Merenstein